

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAM B. VACANTI,

Defendant.

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8:05CR134

ORDER

This matter is before the court on defendant's motion to continue trial (#34), now set for November 8, 2005. Defendant has filed a waiver of speedy trial as required by NECrimR 12.1. For cause shown, I find that the motion should be granted and the trial continued to the next available setting, i.e., January 24, 2006.

IT IS ORDERED that defendant's motion (#34) is granted, as follows:

1. Trial of this matter is continued to Tuesday, **January 24, 2006**.
2. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 8, 2005 and January 24, 2006**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reasons stated in defendant's motion. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. Counsel for the United States shall confer with defense counsel and electronically file a status report no later than **January 16, 2006** advising the court of the anticipated length of trial.

DATED October 26, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**